UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,554	09/05/2003	Martin Sproat	920476-94756	8188

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EXAMINER
NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
2416	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

	Application No.	Applicant(s)
Office Action Summary	10/656,554	SPROAT ET AL.
	Examiner	Art Unit	
	Steven Nguyen	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 February 2009</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28,30-60,63 and 64</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28 and 30-60</u> is/are rejected.

7) ☒ Claim(s) <u>63-64</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 17-28 and 30-60 rejected under 35 U.S.C. 103(a) as being unpatentable over

Nelson (USP 6262992) in view of Ramakrishnan (US 2003/0012196) and Sorhaug (USP

6424627).

        As claims 17-19 and 23, Nelson discloses a telecommunications system comprising a

packet mode switch fabric (Fig 4, Ref 114) comprises a network having a plurality of

interconnected switching devices; and an access network comprising a plurality of circuits and a

plurality of network devices connected to said switching devices (Fig 5); a source device (Fig 4,

Ref 106) and a destination device (Fig 4, Ref 120), said source device being connected to said

destination device by a channel through the switch fabric and traffic from said source device to

said destination device being carried as a stream of packets on said through channel (Col. 3, lines

12-63) and a call activity comprising tone (Fig 2, Ref 230). However, Nelson fails to disclose a

switch means for replicating said stream of packets and communicating said replicated packet

stream to a network service provider device located within said packet mode switch fabric over a

channel connecting the through channel to the network service provider device, said network

service provider device being arranged to process said replicated packet stream and to generate

in response to said processing said replicated packet stream, service data relating to said traffic

data and to provide said service data in a packet stream to said switch means for switching into

said stream of packets being carried on said through channel. In the same field of endeavor,

Ramakrishnan discloses switch means (Fig 4, Ref 210) for replicating said stream of packets and

communicating said replicated packet stream includes only performing replication of the stream

of packets in association with a call activity (Page 2, Sec 17) to a network service provider

device located within said packet mode switch fabric over a channel connecting the through

channel to the network service provider device (Fig 3, Ref 230). However, Nelson and

Ramakrishnan fail to disclose said network service provider device being arranged to process

said replicated packet stream and to generate in response to said processing said replicated

packet stream, service data relating to said traffic data and to provide said service data in a

packet stream to said switch means for switching into said stream of packets being carried on

said through channel. In the same field of endeavor, Sorhaug discloses said network service

provider device (Fig 2, Ref 40) being arranged to process said replicated packet stream and to

generate in response to said processing said replicated packet stream, service data relating to said

traffic data and to provide said service data in a packet stream to said switch means for switching

into said stream of packets being carried on said through channel (Col. 3, lines 10-38, the media

monitor processes the replicated data and generates a recovered data and clock signal "service

data" to the tap device "switch means" for transmitting to the destination device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a method and system for processing the replicated data and

generating a data for transmitting to the destination device as disclosed by Sorhaug into a method

and system comprising switch means for replicating said stream of packets and communicating

said replicated packet stream to a network provider device a channel connecting the through

channel to the network device as disclosed by Ramakrishnan into the teaching of Nelson. The

motivation would have been to reduce a cost of system.

As claims 20, 51 and 60, Ramakrishnan discloses traffic data is carried bi-directionally

between the source device and the destination device by first and second packet streams on

respective first and second channels and said switch means for replicating replicates each of said

first and second streams and communicates the replicated streams to the network service

provider device on respective connecting channels (Figs 4-6).

As claim 21, 57, Ramakrishnan discloses said switch means for replicating the stream of

packets comprises a switch (Fig 4, Ref 210).

As claim 22, Ramakrishnan discloses the switch fabric comprises a packet mode switch

(Fig 4, Ref 210).

As claims 24 and 52, Nelson discloses said through channel comprises a packet stream

part of an end to end circuit across the network (Fig 5), said circuit extending through a time

division multiplexed (TDM) access channel on a source device side of the network (fig 5, Ref

502), through said packet stream channel (Fig 5, Ref 104) and through a TDM access channel on

a destination device side of the network (Fig 5, Ref 506), said switching devices including

adaptation devices for converting traffic between a TDM mode and a packet stream mode (Fig 5,

Ref 104).

As claims 25, 39 and 47, Ramakrishnan discloses said end to end circuit between said

source device and said destination device comprises first and second channels carrying

respective first and second packet streams and said means for replicating the packet stream

replicates each of said first and second packet streams and directs each of them on respective connecting channels to the network provider service device (Figs 4-6).

As claims 26 and 46, Ramakrishnan discloses said means for replicating the stream of packets broadcasts said replicated stream of packets to a plurality of network devices on respective connecting channels (Page 1, Sec 10).

As claims 27, 36, 44, 53 and 59, Ramakrishnan discloses network device comprises a voice processing device (Fig 4, Ref 230 is used to monitor voice is inherently disclosed a voice processing device).

As claims 28 and 38, Ramakrishnan discloses said network device comprises an intelligent peripheral device (Fig 4, Ref 230).

As claim 30, Nelson discloses through channel comprises a circuit switched connection through the switch fabric between the source device and the destination device (Fig 5).

As claims 31, 37 and 45, Ramakrishnan discloses the network service provider device is co-located with the replicating means (Fig 3).

As claims 32-35, Nelson discloses telecommunications system comprising a circuit switched switching network (Fig 5, Ref 502) ; a source device and a destination device, said source device being connected to said destination device by a circuit switched connection through the switching network (Fig 5, ref 504, 508), said circuit switched connection having a packet mode portion for carrying traffic data from the source device to the destination device as a packet stream having a tone (Fig 5, Ref 104-510-104). However, Nelson fails to disclose switch element for replicating said stream of packets at said packet mode portion of the circuit switched connection and communicating said replicated packet stream to another circuit comprising said

service provider circuit being arranged to process said replicated packet stream and to generate in

response to said processing service data relating to said traffic data and to provide said service

data in a packet stream to said switch element for switching into said stream of packets being

carried on said packet mode portion. In the same field of endeavor, Ramakrishnan discloses

switch element (Fig 4, 210) for replicating said stream of packets includes only performing

replication of the stream of packets in association with a call activity at said packet mode portion

of the circuit switched connection and communicating said replicated packet stream (Page 2, Sec

17) to another circuit (Fig 3, Ref 230) at said packet mode portion of the circuit switched

connection, said another circuit comprising a service provider circuit (Fig 2, Ref 230). However,

Nelson and Ramakrishnan fail to disclose said service provider circuit being arranged to process

said replicated packet stream and to generate in response to said processing service data relating

to said traffic data and to provide said service data in a packet stream to said switch element for

switching into said stream of packets being carried on said packet mode portion. In the same

field of endeavor, Sorhaug discloses said service provider circuit (Fig 2, 40) being arranged to

process said replicated packet stream and to generate in response to said processing service data

relating to said traffic data and to provide said service data in a packet stream to said switch

element (Fig 2, Ref 50) for switching into said stream of packets being carried on said packet

mode portion (Col. 3, lines 10-38, the media monitor processes the replicated data and generates

a recovered data and clock signal "service data" to the tap device "switch means" for transmitting

to the destination device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention was made to apply a method and system for processing the replicated data and

generating a data for transmitting to the destination device as disclosed by Sorhaug into a method and system comprising switch element for replicating said stream of packets at said packet mode portion of the circuit switched connection and communicating said replicated packet stream to another circuit as disclosed by Ramakrishnan into the teaching of Nelson. The motivation would have been to reduce a cost of system.

As claims 40-43, 48-50, 54-56 and 58, Nelson discloses a communications network switch capable of establishing a circuit switched connection for the transport of packets comprises a plurality of through channels capable of carrying packet streams through the switch (Fig 5); a plurality of adaptation devices for adapting incoming traffic flows to respective packet streams including tone and supplying said streams to respective through channels (Fig 5, Ref 104). However, Nelson fails to disclose switch element for replicating a packet stream on a selected through channel and communicating the replicated packet stream to another channel and a circuit for receiving said replicated packet stream, said circuit being arranged to process said replicated packet stream and to generate in response to said processing service data relating to traffic data of said replicated packet stream and to provide said service data in a packet stream to said switch element for switching into said packet stream carried on said selected through channel. In the same field of endeavor, Ramakrishnan discloses switch element (Fig 4, Ref 210) for replicating a packet stream in association with an activity of a call on a selected through channel and communicating the replicated packet stream to another channel (Page 2, Sec 17). However, Nelson and Ramakrishnan fail to disclose a circuit for receiving said replicated packet stream, said circuit being arranged to process said replicated packet stream and to generate in response to said processing service data relating to traffic data of said replicated packet stream

and to provide said service data in a packet stream to said switch element for switching into said packet stream carried on said selected through channel. In the same field of endeavor, Sorhaug discloses a circuit (Fig 2, Ref 40)for receiving said replicated packet stream, said circuit being arranged to process said replicated packet stream and to generate in response to said processing service data relating to traffic data of said replicated packet stream and to provide said service data in a packet stream to said switch element (fig 2, ref 50) for switching into said packet stream carried on said selected through channel (Col. 3, lines 10-38, the media monitor processes the replicated data and generates a recovered data and clock signal "service data" to the tap device "switch means" for transmitting to the destination device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for processing the replicated data and generating a data for transmitting to the destination device as disclosed by Sorhaug into a method and system comprising switch element for replicating said stream of packets at said packet mode portion of the circuit switched connection and communicating said replicated packet stream to another circuit as disclosed by Ramakrishnan into the teaching of Nelson. The motivation would have been to reduce a cost of system.

Allowable Subject Matter

3.   Claims 63-64 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4.   Applicant's amendment on 7/18/2008 necessitated the new ground(s) of rejection

presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Steven Nguyen whose telephone number is (571) 272-3159. The

examiner can normally be reached on 8:30-5:00.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kizou Hassan can be reached on (571) 272-3088. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/28/2009
/Steven Nguyen/
Primary Examiner, Art Unit 2419